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DATE: November 9, 2004

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SEND TO: United States Patent Office

Examiner: **Borrissov, Igor N.**

Group Art Unit: **3629**

Tel No: 703-305-4649

Fax #: 703-872-9306

FROM: Leslie A. Van Leeuwen

Tel No: 512-301-6738

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Docket No. AUS920000484US1

Serial No. 09/704,573

Atty: DAM / JVL

Applicant: Rodriguez, et al.

\_\_\_ Transmittal Letter (2 copies)

\_\_\_ Amendment ( \_\_\_ pages)

\_\_\_ Amendment AF

\_\_\_ Ext. of Time

\_\_\_ IDS Statement

\_\_\_ Other

\_\_\_ Certificate of Facsimile (incl. w/Amendment)

X Notice of Appeal (2 copies)

\_\_\_ Appeal Brief (3 copies)

\_\_\_ Reply Brief

\_\_\_ Change of Address

Deposit Acct. No. 09-0447

Fees: Amendment \_\_\_ Notice of Appeal \$340 Appeal Brief \_\_\_ Other \_\_\_

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Rodriguez, et. al.

Serial No.: 09/704,573

Filed: November 3, 2000

Title: System and Method for Updating  
User Home Automation Systems

§ Group Art Unit: 3629  
§  
§  
§ Examiner: Borrissov, Igor N.  
§  
§ Attorney Docket No. AUS920000484US1  
§  
§ IBM Corporation, IP Law Department  
§ 11400 Burnet Road  
§ Internal Zip 4054  
§ Austin, Texas 78758

Certificate of Facsimile Under C.F.R. §1.8(a)

I hereby certify that this correspondence was sent via facsimile to the United States Patent Office to telephone number 703-746-7238 on November 9, 2004.

By: 

Leslie A. Van Leeuwen

Date: 11/9/04

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALSCommissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed August 9, 2004, finally rejecting claims 6-9, 11-13, 18-20, and 25-37.

The item(s) marked below are appropriate:

1. \_\_\_\_ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee  
    X other than a small entity. Fee: \$340.00
3. X Payment  
    X Please charge Deposit Account 09-0447 the sum of \$340.00. A duplicate of this notice is attached.

Respectfully submitted,

By: 

Leslie A. Van Leeuwen

Attorney for Applicant

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Docket No. US920000484US1

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Atty Ref. No. IBM-0032

Rodriguez, et. al. - 09/704,573

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